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Locke Lord Bissell & Liddell LLP			SHERR, CRISTINA O	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/691,621	Applicant(s) ALVE, JUKKA	
	Examiner CRISTINA SHERR	Art Unit 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-8,12-14,16,18-22,25-37 and 39-52 is/are pending in the application.
- 4a) Of the above claim(s) 22, 25-37, and 39-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8,12-14,16,18-21 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Applicant's Amendment filed June 21, 2010. Claims 7, 12, and 52 are currently amended. Claim 53 is currently canceled. Claims 3-5, 9-11, 15, 17, 23-24, 38, and 54 were previously canceled. Claims 1, 2, 6-8, 12-14, 16, 18-22, 25-37, and 39-52 are pending in this case. Claims 22, 25-37, and 39-51 are withdrawn from consideration. Accordingly, claims 1, 2, 6-8, 12-14, 16, 18-21, and 52 are currently under examination in this case.

Response to Arguments

2. Applicant's arguments, see REMARKS, filed June 21, 2010, with respect to the section 101 rejection of claims 7, 8, 12, and 13, as currently amended, have been fully considered and are persuasive. The section 101 rejection of claims 7, 8, 12, and 13, as currently amended, has been withdrawn.

3. Applicant's arguments filed June 21, 2010, regarding the section 102 rejections of the claims, as currently amended, have been fully considered but they are not persuasive.

4. Applicant argues, regarding claims 1, 2, 6-8, 12-14, 16, 18-21, and 52-53, that nothing in the cited reference discloses, teaches or suggests, "receiving at a communications device from a first remote device superdistributed content encrypted with a content key."

5. Examiner respectfully disagrees and directs to Stefik, at, col 13 ln 32-52 (a repository which decrypts content), col 42 ln 25-35 where the requester repository

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decrypts data it has received. At col 44 ln 41-62, Stefik recites wherein Superdistributors perform similar to other scenarios.

6. Applicant argues, regarding claims 1, 2, 6-8, 12-14, 16, 18-21, and 52-53, that nothing in the cited reference discloses, teaches or suggests “transmitting by the communications device a request for the content key to a second remote device, the second remote device authorized to act on behalf of a provider of the content and possessing the content key encrypted with a public key of the second remote device”.

7. Examiner respectfully disagrees. Col 26 ln 17-60 recites wherein the repository is shown to be authorized to act on behalf of a provider of the content and having the appropriate keys. Col 28 ln 44-65 recites a second key being transmitted to requesting repository and in encrypted form.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 6-8, 12-14, 16, 18-21, and 52-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefik et al (US 5,638,443).

10. Regarding claim 1 –

11. Stefik discloses:

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(a) receiving at a communications device from a first remote device superdistributed content encrypted with a content key; (e.g. col 13 ln 32-52, col 19 ln 42-55, col 20 ln 40-62, col 43 ln 37-67, col 44 ln 40-64, col 45 ln 10-55)

(b) transmitting by the communications device a request for the content key to a second remote device, the second remote device authorized to act on behalf of a provider of the content and possessing the content key encrypted with a public key of the second remote device; (fig 17, col 26 ln 17-60, col 28 ln 44-65)

(c) receiving at the communications device from the second remote device an encrypted version of the content key, wherein the encrypted version of the content key is encrypted with a public key of the communications device; and (col 27 ln 24-47, col 28 ln 50-55)

(d) decrypting at the communications device the encrypted version of the content key with a private key of the communications device, the private key of the communications device corresponding to the public key of the communications device. (col 27 ln 50-col 28 ln 65).

12. Regarding claim 2 -

13. Stefik discloses wherein said transmitting step comprises transmitting the public key of the communications device to the second remote device. (col 27 ln 35-47, col 28 ln 45-58).

14. Regarding claim 6 -

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15. Stefik discloses receiving at the communications device one or more usage rules from the first remote device, wherein the usage rules correspond to the content; (col 31 ln 5-10)

transmitting by the communications device the one or more usage rules to the second remote device; (col 31 ln 18-65, col 34 ln 35-40)

receiving at the communications device one or more modified usage rules from the second remote device; and (col 34 60-67, col 35 25-35)

associating at the communications device the one or more modified usage rules with the content. (col 35 ln 15-20, col 37 ln 1-15).

16. Regarding claims 7, 13 and 14 –

17. Stefik discloses a device (col 13 ln 25-30), comprising:

at least one processor (e.g. col 13 ln 32-52, col 19 ln 42-55, col 20 ln 40-62, col 43 ln 37-67, col 44 ln 40-64, col 45 ln 10-55)

and at least one memory including computer program code the at least one memory and the computer program code configured to, working with the at least one processor, cause the device to perform at least the following; (col 13 ln 25-30),

receive, through a first communications interface, from a first remote device superdistributed content encrypted with a content key; (e.g. col 13 ln 32-52, col 19 ln 42-55, col 20 ln 40-62, col 43 ln 37-67, col 44 ln 40-64, col 45 ln 10-55)

decrypt an encrypted version of the content key with a private key of the communications device; (fig 17, col 26 ln 17-60, col 28 ln 44-65)

transmit, through a second communications interface, a request for the content key to a second remote device, the second remote device authorized to act on behalf of a provider of the content and possessing the content key encrypted with a public key of the second remote device, (fig 17, col 26 ln 17-60, col 28 ln 44-65) and

receive from the second remote device an encrypted version of the content key, wherein the encrypted version of the content key is encrypted with a public key of the communications device, the public key of the communications device corresponding to the private key of the communications device. (col 27 ln 24-47, col 28 ln 50-55)

18. Regarding claims 8 and 16 –

19. Stefik discloses wherein the request includes the public key of the communications device. (col 27 ln 35-47, col 28 ln 45-58).

20. Regarding claim 12 –

21. Stefik discloses wherein the first communications interface is further adapted to receive one or more usage rules from the first remote device, the usage rules corresponding to the content; and (col 31 ln 5-10)

wherein at least one memory and the computer program code being further configured to, working with the at least one processor, to cause the device transmit the one or more usage rules to the second remote device; and to receive one or more modified usage rules from the second remote device. (col 34 60-67, col 35 25-35)

22. Regarding claim 18 –

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23. Stefik discloses wherein the authorized agent is further adapted to provide to the communications device the content key encrypted with a public key of the communications device. (col 27 ln 24-47, col 28 ln 50-55)

24. Regarding claim 19 –

25. Stefik discloses a content distributor. (e.g. col 13 ln 32-52, col 19 ln 42-55, col 20 ln 40-62, col 43 ln 37-67, col 44 ln 40-64, col 45 ln 10-55)

26. Regarding claim 20 –

27. Stefik discloses wherein the remote device receives the content item from the content distributor. (e.g. col 13 ln 32-52, col 19 ln 42-55, col 20 ln 40-62, col 43 ln 37-67, col 44 ln 40-64, col 45 ln 10-55)

28. Regarding claim 21 –

29. Stefik discloses wherein the communications device, the remote device, and the authorized agent communicate with each other across one or more wireless communications networks. (col 14 ln 44-50).

30. Regarding claim 52 –

31. Stefik discloses:

(a) receiving at a communications device from a first remote device superdistributed content encrypted with a content key and a first usage rule for the content; (e.g. col 13 ln 32-52, col 19 ln 42-55, col 20 ln 40-62, col 43 ln 37-67, col 44 ln 40-64, col 45 ln 10-55)

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(b) transmitting by the communications device a request for the content key and said first usage rule to a second remote device, the second remote device authorized to act on behalf of a provider of the content; (fig 17, col 26 ln 17-60, col 28 ln 44-65)

(c) receiving at the communications device from the second remote device an encrypted version of the content key and a modified usage rule for the content, wherein the encrypted version of the content key is encrypted with a public key of the communications device; and (col 34 60-67, col 35 25-35)

(d) decrypting at the communications device the encrypted version of the content key with a private key of the communications device, the private key of the communications device corresponding to the public key of the communications device. (col 27 ln 50-col 28 ln 65).

32. Regarding claim 53 –

33. Stefik discloses wherein:

said content key is received at the communications device from the second remote device after having been received at the second remote device encrypted with a public key of the second remote device. (fig 17, col 26 ln 17-60, col 28 ln 44-65).

Conclusion

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

35. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRISTINA SHERR whose telephone number is (571)272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

37. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt, II can be reached on (571)272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

38. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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CRISTINA OWEN SHERR

Examiner

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/Calvin L Hewitt II/

Supervisory Patent Examiner, Art Unit 3685